

NOV 07 2024

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

HOUSTON REAL ESTATE PROPERTIES
LLC,
Debtor.

JOHN QUINLAN, OMAR KHAWAJA
AND OSAMA ABDULLATIF
Plaintiffs,

V.

HOUSTON REAL ESTATE PROPERTIES
LLC, et al
Defendants.

CASE NO 22-32998
(CHAPTER 7)

ADVERSARY NO. 23-03141

EMERGENCY MOTION TO STAY ENFORCEMENT OF FULLY SUPERSEDED
JUDGEMENT

TO THE HONORABLE JUDGE: :

COMES NOW, Ali Choudhri (“Choudhri”), Defendant herein, and files this Emergency Motion to Stay Enforcement of Fully Superseded Judgement, and in support would respectfully show the Honorable Court as follows:

I. INTRODUCTION

1. Choudhri files this Emergency Motion to request an immediate stay of proceedings regarding collection actions of the Plaintiffs regarding a fully superseded judgment.
2. The judgment at issue, originally entered on November 21, 2022, has been superseded by filing a cash deposit in the full amount of the judgment, including one year of interest, in the amount of \$1,859,917.54. *See* evidence of cash bond deposited in the registry of the Harris Conty District Clerk. Notwithstanding Defendant having arrested the judgment, Plaintiffs continue to pursue collection actions.

II. STATEMENT OF FACTS

3. On or about November 21, 2022, a judgment was entered in favor of Osama Abdullatif in **Cause No. 2013-41273**, *Osama Abdullatif and Abdullatif & Company, LLC v. Ali Choudhri and Houston Real Estate Properties, LLC*, in 334th Judicial District Court of Harris County.
4. This judgment was subsequently superseded by the filing of a cash deposit, attached herewith as **Exhibit 1**.
5. Despite arresting collection of judgment actions, Plaintiffs are actively engaged in collection of the said judgment—they have filed an adversary proceeding in this court, and filed fraudulent lis pendens actions against Defendant's properties, without asserting real property

Q. All righty. Mr. Khawaja, so the -- in this lawsuit you're attempting to collect on the three judgments that's listed in the complaint, correct?

A. That's correct.

Q. But isn't it true that one of these complaints, one of these judgment is has already been superseded?

A. I'm not aware of that.

Q. You're not aware that in case number 202038738 that judgment was superseded?

MR. BALLASES: Objection. Form.

THE DEPONENT: I have no knowledge of that.

BY MR. POPE:

Q. Are you aware that any of the judgments are on appeal?

A. I'm not aware of that, no.

Q. But you are alleging alter ego in this proceeding against Mr. Choudhri and his mother Shahnaz Choudhri, correct?

A. Yes.

Q. Okay. And what personal knowledge do you have that Mrs. Choudhri intentionally acted in a manner to defraud her creditors?

A. Well, Mrs. Choudhri is the same as Mr. Choudhri for purposes of defrauding creditors or

Q: Certainly as a lawyer in the state of Texas,

16 you understand that when a judgment is superceded,

17 that that stays any collection activities; correct?

18 MR. BALLASES: I'm going to object to the

19 question as misleading and harassing and oppressive.

20 . . . Q: (BY MS. HOOD) You can answer --

21 . . . A: I'm not aware of that --

22 . . . Q: You're not aware of that?

23 . . . A: I'm not aware of that being -- I'm not aware

24 of the judgment being superceded.

25 . . . Q: And did you take any independent actions to

1 determine whether or not this judgment, which is on

2 appeal, had been superceded?

3 . . . A: No.

Q: All right. Mr. Khawaja, so the -- in this

2 lawsuit you're attempting to collect on the three

3 judgments that's listed in the complaint, correct?

4 . . . A: That's correct.

- 5· . . . Q. ·But isn't it true that one of these
- 6· complaints, one of these judgment is has already been
- 7· superseded?
- 8· . . . A. ·I'm not aware of that.
- 9· . . . Q. ·You're not aware that in case number 202038738
- 10· that judgment was superseded?
- 11· MR. BALLASES: ·Objection. ·Form.
- 12· THE DEPONENT: ·I have no knowledge of that.
- 13· ·BY MR. POPE:
- 14· . . . Q. ·Are you aware that any of the judgments are on
- 15· appeal?
- 16· . . . A. ·I'm not aware of that, no.
- 17· . . . Q. ·But you are alleging alter ego in this
- 18· proceeding against Mr. Choudhri and his mother Shahnaz
- 19· Choudhri, correct?
- 20· . . . A. ·Yes.

See Omar Khawaja Deposition Transcripts, dated September 11, 2024 and October 3, 2024.

III. LEGAL GROUNDS FOR ABATEMENT

6. Under **11 U.S.C. § 362**, the automatic stay is triggered upon the filing of a bankruptcy petition, prohibiting most collection actions against the debtor or the bankruptcy estate.
7. Further, **11 U.S.C. § 105(a)** grants the court authority to issue any order necessary to carry out the provisions of the Bankruptcy Code, including staying actions that would undermine the integrity of the bankruptcy process.

8. In this case, the collection actions on a superseded judgment are inappropriate and may create conflicting liabilities for the debtor and potential harm to the bankruptcy estate, necessitating a stay until the litigation is resolved.

IV. REQUEST FOR RELIEF

WHEREFORE, Ali Choudhri respectfully requests that the Court grant the following relief:

1. Issue an immediate stay of all collection actions related to the superseded judgment, pending resolution of the ongoing litigation and verification of the judgment's enforceability;
2. Order Plaintiffs to cease collection actions related to the superseded judgment during the stay;
3. Grant any other relief the Court deems just and proper under the circumstances.

Respectfully Submitted,
By: /s/ Ali Choudhri
Ali Choudhri
2425 West Loop South, 11th floor
Houston, Texas 77027
Phone: 281-630-6627
Email: ali@jetallcapital.com
Defendant, Pro se

CERTIFICATE OF SERVICE

I hereby certify that on 11/7/2024, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to parties through the Courts Electronic Case Filing System. Parties may access this filing through the Courts system.